

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

CHESTER CHARLES : **DOCKET NO. 06-2123**

VS. : **JUDGE MINALDI**

ALLSTATE INSURANCE COMPANY : **MAGISTRATE JUDGE WILSON**

REPORT AND RECOMMENDATION

Before the court is plaintiff's opposed motion to remand [doc. # 9]¹ and defendant's subsequent concurrence in the plaintiff's motion to remand [doc. #12]. This matter was removed to federal court on the basis of diversity jurisdiction. 28 U.S.C. § 1332. The motion to remand alleges that plaintiff's claims do not exceed the requisite threshold amount for the exercise of diversity jurisdiction (\$75,000+). Plaintiff has subsequently stipulated that his damages do not exceed \$50,000 [doc.# 12-2]. Due to the stipulation, defendants now concur in the motion to remand. (*See*, January 5, 2007, Letter).

Accordingly, the court finds that the amount in controversy does not exceed the minimum amount required to invoke federal diversity jurisdiction. *DeAguilar v. Boeing Co.*, 47 F.3d 1404 (5th Cir. 1995). Subject matter jurisdiction is lacking and remand is required. 28 U.S.C. § 1447(c). For the foregoing reasons,

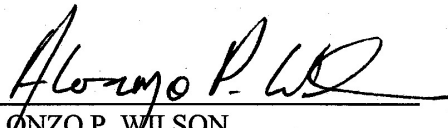
¹ The motion has been referred to the undersigned for decision pursuant to 28 U.S.C. § 636(b)(1)(A).

IT IS RECOMMENDED that plaintiff's motion to remand [doc. # 9] be GRANTED.

Under the provisions of 28 U.S.C. §636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT COURT.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, on January 9, 2007.


ALONZO P. WILSON
UNITED STATES MAGISTRATE JUDGE